

CITY OF BETHLEHEM

Department of Community and Economic Development Interoffice Memo

To: J. William Reynolds, City Council President

From: Darlene Heller, Director of Planning and Zoning

Re: Proposed Zoning Ordinance Amendment to create a new Zoning District, Office Mixed Use (OMU), for the Martin Tower site at 8th & Eaton Avenues

Date: August 28, 2015

Attached is a Zoning Ordinance amendment to address redevelopment of the Martin Tower site at 8th & Eaton Avenues.

The site is slightly greater than 50 acres and located at a significant interchange of Route 378. The Tower is listed on the National Register of Historic Places and included as one of the designated CRIZ parcels and is a priority redevelopment project for Bethlehem. The site has also been vacant for many years. The Tower is blighted and obsolete; its reuse is extremely challenging.

In order to be proactive in the reuse and redevelopment of this parcel, this proposed zoning amendment is forwarded to assist in the reuse of the site. The current ordinance provisions for this site were originally adopted in 2006 and prior to the housing recession. The attached amendment provides for a broad mix of permitted uses while still requiring standards of design that provide quality development. The amendment proposes a new zoning district, the Office Mixed Use (OMU) district, to replace the existing Landmark and Traditional Neighborhood district. The amendment also includes a few new definitions, reference to the map change and inclusion of the OMU district in the chapter related to Design Standards.

PLANNING COMMISSION REVIEW

This Zoning Amendment was reviewed by the Planning Commission at their August 13 meeting. Following thorough discussion about the site and the proposal and following review of public input, the Planning Commission voted on several motions to amend the original proposal as follows:

First, Mr. Malozi proposed to amend Section 1314.03(a) to remove the following sentence: ~~“Therefore, the initial Overall Master Plan shall show uses in each of the following use categories on the overall site: a) Office, Institutional and related uses, b) Retail, Entertainment, Restaurant and Related Uses, c) Residential uses.”~~ In its place the following would be added:

“Therefore, at each phase of the development, the Overall Master Plan shall show uses in the following mix or proportion in the overall District:

	Minimum % bldg. floor area	Maximum % bldg. floor area
Office, Institutional and related uses	5%	70%
Retail, Restaurant, Entertainment and related uses	5%	50%
Residential uses	20%	85%”

The motion was seconded by Ms. Negron. The motion was approved with a 3 – 2 vote.

Second, Mr. Malozi made a motion to change Section 1314.02(c), revising a sentence that reads: “A maximum 350,000 sq. ft. of new building footprint is permitted to be of one (1) habitable story design.” and changing the 350,000 sq. ft. to 270,000 sq. ft. Mr. Malozi indicated that this would be approximately 20% of the permitted building footprint permitted in the District. Ms. Negron seconded the motion which passed 3 – 2.

Third, Mr. Malozi made a motion to add a sentence at the end of Section 1314.03(a), regarding the Overall Master Plan, to read: “The Overall Master Plan shall be designed to reflect the overall provisions of the Purpose section of Article 1311, Design Standards.” The motion was seconded by Ms. Negron and passed with a vote of 5 – 0.

Fourth, Mr. Melosky made a motion that Section 1305, Allowed Uses in Primarily Non-Residential Zoning Districts, be revised to include additional permitted in the OMU District, including:

“Assembly or finishing of products using materials produced elsewhere,

Manufacturing and processing of the following provided manufacturing only occurs indoors:

computers and electronics and microelectronic products,
electrical equipment, appliances & components,
medical equipment and supplies,
pharmaceuticals and medicines,
scientific, electronic and other precision instruments;

Research and development, engineering or testing facility or laboratory (other than medical laboratory which is considered an office use) and related manufacture of prototypes.”

Ms. Negron seconded the motion. The motion passed 5 – 0.

Fifth, Ms. Negron made a motion to delete from Section 1314.03(a) the sentences:

~~“At a point in time when fifty (50%) percent of the acreage of the District is permitted for construction, the Overall Master Plan may be revised to include only two (2) of the above noted use categories for the balance of the development. The balance of the District’s development shall continue to comply with the revised Overall Master Plan.”~~

Mr. Melosky seconded the motion which passed with a vote of 5 – 0.

Sixth, Mr. Melosky made the motion to change the words “development” or “tract” to “District”, in Section 1314.02, throughout the ordinance for the purpose of consistency. Mr. Malozi seconded the motion which passed with a 5 – 0 vote.

Seventh, Ms. Negron made a motion to change the word “may” to “shall” in Section 1304.03(a). Mr. Melosky seconded the motion which passed with a 5 – 0 vote.

Eighth, Mr. Malozi made a motion regarding the plantings in front of parking on arterial streets. Section 1311.08(e) indicates that parking areas will be well screened from arterial and collector streets. The arterial streets include Eaton Avenue, Schoenersville Road and Eighth Avenue. The Section also states that Article 1311.08(e) does not apply to the OMU District. Mr. Malozi suggested that this be included primarily to shield parking areas with landscaping, but remove the phrase “and the decorative masonry wall or ornamental fencing”, so as to not have a physical barrier between pedestrians, bicycles and non-motorized modes of transportation and the parking areas, just landscape screening. Mr. Malozi also proposed the removal of the last bolded sentence “Article 1311.08(e) does not apply to the OMU District”. Mr. Melosky seconded the motion. The motion passed with a 5 – 0 vote.

Ms. Negron made a motion that the Martin Tower site zoning amendments, including all the motions for revisions made today, be recommended for approval. Mr. Malozi seconded the motion which passed with a vote of 4 – 1.

The Planning Commission minutes will be forwarded to you under separate cover when they have been approved.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BETHLEHEM,
PENNSYLVANIA, AS AMENDED

THE COUNCIL OF THE CITY OF BETHLEHEM HEREBY ORDAINS AS FOLLOWS:

SECTION 1. That current Article 1302 titled DEFINITIONS, in the Zoning Ordinance, as amended, shall be amended to include the following:

1302.105 Restaurant, Fast-Casual. An establishment that serves food and beverages that does not offer full table service, regardless of whether seats or other accommodations are provided inside or outside of the building for patrons, but has a higher quality of food with fewer frozen or processed ingredients than a fast-food restaurant. A Fast-Casual Restaurant may or may not have a drive-through service.

1302.106 Restaurant, Fast-Food. An establishment that serves food and beverages prepared in a highly-processed fashion, typically prepared on a large scale from bulk ingredients using standardized cooking and production methods and equipment for consumption outside of the building or in vehicles parked upon the premises, regardless of whether seats or other accommodations are provided inside or outside of the building for patrons. A Fast-Food Restaurant may or may not have a drive-through service.

1302.126 Tasting Room. A retail facility which may or may not be a part of a micro-brewery or micro-distillery, that offers tastes of the product for primarily retail sales for off-site consumption or carry-out. No on-site retail consumption is permitted.

All subsequent subsections are hereby renumbered accordingly.

SECTION 2: That current Article 1303.07(n) shall be deleted and replaced with the following:

1303.07(n) OMU Office Mixed Use District - In addition to serving the purposes of the City Comprehensive Plan and the overall purposes of this Ordinance, this District is intended to promote redevelopment of areas of the City that are currently underutilized and are only partially developed. This District also recognizes that this area of Bethlehem is unique in terms of its size and its proximity to ramps of a limited access expressway (PA. Route 378). This District is also intended to provide transitional zoning provisions adjacent to a County Park and recognized historical site, the Burnside Plantation. This District also is intended to encourage ground-floor retail and service uses to create connectivity between the residential and commercial buildings on the overall tract.

SECTION 3. That the Zoning Map of the City of Bethlehem, Pennsylvania be amended by changing all the "CM-LTN – Landmark Conservation and Traditional Neighborhood Development Overlay District" symbols and indications to "OMU – Office Mixed Use District" as shown on the attached Exhibit "A".

SECTION 4: That current Article 1305.01 titled ALLOWED USES IN PRIMARILY NON-RESIDENTIAL ZONING DISTRICTS, in the Zoning Ordinance, as amended, shall be amended as follows:

Delete "For the CM-LTN Landmark Conservation and Traditional Neighborhood Overlay District, see Section 1314" and replace with:

“For the OMU District, see Section 1314.”

SECTION 5: That all charts in Article 1305.01 titled ALLOWED USES IN PRIMARILY NON-RESIDENTIAL ZONING DISTRICTS, in the Zoning Ordinance, as amended, shall be amended as follows to include the OMU District:

TYPES OF USES (See definitions in Section 1302)	ZONING DISTRICTS											
	CL	CG &CS	CB	LI	IN	PI	CM	I	CMU	IR	IR-R	OMU
a. RESIDENTIAL USES												
Single Family Detached Dwelling (Note - Manufactured/mobile homes shall meet the additional requirements of Section 1322)	N	N	N	N	N	N	N	N	N	N	N	P**
Two Family Semi-Detached Dwelling	N	N	N	N	N	N	N	N	N	N	N	P
Two Family Detached Dwelling	N	N	N	N	N	N	N	N	N	N	N	P
Two Family Attached Dwelling	N	N	N	N	N	N	N	N	N	N	N	P
Single Family Semi-Detached Dwelling (side-by-side)	N	N	N	N	N	N	N	N	N	N	N	P
Townhouse (Single Family Attached Dwelling) (S. 1322)	N	N	N	N	N	N	N	N	N	N	P	P
Multi-Family Dwellings (S. 1322), other than conversions of an existing one family dwelling into 2 or more dwellings	P*	P*	P*	N	N	N	N	N	N	N	P	P***
Boarding House (includes Rooming House) (S. 1322)	SE	SE	SE*	N	N	N	N	SE	N	N	N	N
Manufactured/Mobile Home Park (S. 1322)	N	SE	N	N	N	N	N	N	N	N	N	N
Group Home within a lawful existing dwelling unit (S.1322), not including a Treatment Center	P	P	P	N	N	N	N	P	N	N	N	N
Conversion of an Existing One Family Dwelling into Two or More Dwelling Units (See also Unit for Care of Relative under Accessory Uses), other than as allowed by the above Multi-Family Dwellings provision with a street level commercial use.	N	N	N	N	N	N	N	N	N	N	N	N
Dormitories or other Housing Owned or Operated by a College or University and Limited to Occupancy by Students or Staff of the College or University (in addition to housing listed above)	N	P*in CG N in CS	P*	N	N	N	N	P	N	N	P*	N
Fraternity or Sorority	N	N	N	N	N	N	N	P	N	N	N	N
Live Work Unit in compliance with the Home Occupation and Live Work Provisions of Section 1322.03.	P	N	P	N	N	N	N	N	N	N	P	N

- * = Such housing shall be located in the same building as a principal commercial use that is on the front street level. This requirement for a street level commercial use shall not apply to buildings fronting on local streets. See the optional density bonus for workforce housing in Article 1307.
- ** = In the OMU District the maximum lot size for any single family dwelling shall be 4,000 square feet
- *** = **Provision of Section 1322 shall not apply in the OMU District for multi-family dwellings**
- P = Permitted by right use (zoning decision by Zoning Officer)
- SE = Special exception use (zoning decision by Zoning Hearing Board)
- N = Not permitted
- (S. 1322) = See Additional Requirements in Section 1322

TYPES OF USES (See definitions in Section 1302)	ZONING DISTRICTS											
	CL***CG***CB***LI &CS	IN	PI	CM	I	CMU	IR	IR-R	OMU			
b. COMMERCIAL USES												
Adult Oriented Establishment (S. 1322)	N	N	N	N	SE	N	N	N	N	N	N	N
After Hours Club - Note - This use is effectively prohibited by State Act 219 of 1990.	N	N	N	N	N	N	N	N	N	N	N	N
Airport (S. 1322) (see also Heliport)	N	N	N	N	SE	N	N	N	N	N	N	N
Amusement Arcade	N	P	N	N	N	N	N	N	N	P	P	P
Amusement Park or Water Park	N	P	N	N	N	N	N	N	N	N	N	N
Animal Cemetery (S. 1322)	N	P	N	P	P	P	P	P	N	N	N	N
Animal Shelter	N	N	N	P	P	N	N	N	N	N	N	N
Arena or Auditorium	P	P	P	P	N	P	P	P	N	P	P	N
Auditorium (Commercial), Arena, Performing Arts Center or Exhibition-Trade Show Center	P	P	P	P	P	P	P	P	N	P	P	P
Auto Body Shop or Auto Repair Garage (S. 1322)	N	P	N	P	P	N	N	N	N	N	N	N
Auto, Boat or Mobile/Manufactured Home Sales (S. 1322)	N	P	N	N	N	N	N	N	N	N	P**	N
Bakery, Retail	P	P	P	N	P	N	N	N	P	P	P	P
Bed and Breakfast Inn (S. 1322)	P	P	P	N	N	N	N	P	N	P	P	P
Beverage Distributor (wholesale)	N	P	N	N	N	N	N	N	N	P	P	N
Bus Maintenance or Storage Yard	N	N	N	P	P	P	N	N	N	N	N	N
Bus, Taxi or Passenger Rail Terminal	P	P	P	P	P	P	N	N	N	P	P	N
BYOB Club in compliance with Section 1318.33	N	N in CG SE in CS	N	N	N	N	N	N	N	N	N	N
Car Wash (S. 1322)	N	P	N	N	N	N	N	N	N	N	N	N
Catering, Custom, for Off-Site Consumption	P	P	P	P	P	P	P	P	N	P	P	P
Check Cashing Business (S. 1322)	N	SE	N	N	N	N	N	N	N	N	N	N
Communications Antennae, Commercial (S. 1322), limited to accessory antenna attached to specified types of structures	P	P	P	P	P	P	P	P	P	P	P	P
Communications Tower, Commercial (S. 1322), or other antennae that are not allowed under the above provision	N	N	N	SE	P	SE	SE	SE	N	SE	SE	N
Conference Center or Exposition Center	N	P	P	P	N	P	P	P	N	P	P	N
Construction Company or Tradesperson's Headquarters (including but not limited to landscaping, building trades or janitorial contractor). See also as Home Occupation. Accessory outdoor storage shall be permitted provided it meets the screening requirements of Section 1318.23	P*	P	SE*	P	P	P	P	N	N	P	P	P****
Crafts or Artisan's Studio	P	P	P	P	P	P	P	P	N	P	P	P

- * = A maximum of 25% of lot shall be used for outdoor storage, which shall be screened by buildings and/or landscaping from view of streets.
- ** = Limited to sales of motor vehicles that is primarily conducted indoors.
- *** = All retail and service uses must be enclosed within a building.
- **** = **Outdoor storage is not permitted in OMU District.**
- P = Permitted by right use (zoning decision by Zoning Officer)
- SE = Special exception use (zoning decision by Zoning Hearing Board)
- N = Not permitted
- (S. 1322)= See Additional Requirements in Section 1322

TYPES OF USES (See definitions in Section 1302)	ZONING DISTRICTS											
	CL	CG &CS	CB	LI	IN	PI	CM	I	CMU	IR	IR-R	OMU

b. COMMERCIAL USES (Cont.)												
Custom Printing, Copying, Faxing, Mailing or Courier Service and similar services to businesses	P	P	P	P	P	P	P	P	P	P	P	P
Dog Daycare	P	P	N	P	P	P	P	N	P	P	P	P
Exercise Club	P	P	P	P	P	P	P	P	P	P	P	P
Financial Institution (S. 1322; includes banks), with Drive-Through facilities allowed in the CB and CL district only if they use rear for vehicle entry and/or exit. See Drive-through facilities regulations in Section 1322.03. ***	P	P	P	P	P	P	P	P	P	P	P	P
Flea Market/ Auction House	P	P	P	N	P	N	N	N	N	P	P	N
Funeral Home, without a crematorium	P	P	P	N	P	N	N	P	N	P	N	N
Funeral Home with a crematorium	N	N	N	SE	P	N	N	SE	N	N	N	N
Gaming Facility, Licensed (S. 1322), other than small games of chance allowed under State law and the State Lottery	N	N	N	N	N	N	N	N	N	P	N	N
Gas Station, which may occur with a retail store, and which may also include fueling of vehicles using hydrogen, natural gas or similar fuels	N	P	N	N	P	N	N	N	N	SE	N	P****
Heliport (S. 1322)	N	N	N	P	P	P	P	P	N	P	P	N
Hotel or Motel (S. 1322)	N	P	P	N	P	N	P	N	N	P	P	P
Kennel (S. 1322)	N	N	N	P	P	N	N	N	N	N	N	N
Laundromat	P	P	P	N	P	N	N	P	N**	P	P	P
Laundry, Commercial or Industrial	N	N	N	P	P	P	N	N	N	P	P	N
Lumber Yard	N	N	N	P	P	N	N	N	N	P	P	N
Micro-brewery and/or Micro-distillery (in combination with a restaurant and/or tasting room)	P	P	P	N	P	N	N	N	P	P	P	P
Motor Vehicle Racetrack, Outdoor (S. 1322)	N	N	N	N	SE	N	N	N	N	N	N	N
Nightclub (S. 1322)	N	SE	SE*	N	P	N	N	N	N	P	P	P
Office (May include medical clinics or labs)	P	P	P	P	P	P	P	P	P	P	P	P
Pawn Shop (S. 1322)	N	SE	N	N	N	N	N	N	N	N	N	N
Personal Services (includes tailoring, custom dress-making, haircutting/styling, travel agency, nail salon, dog grooming, dry-cleaning, shoe repair, "massage therapy, certified" and closely similar uses)	P	P	P	N	N	N	N**	N**	N	P	P	P
Planned Office Commercial Development in compliance with Section 1313 (which allows additional uses in the CMU District)	N	N	N	N	N	N	N	N	P	N	N	N
Plant Nursery (other than a Retail Store)	N	P	N	P	P	P	P	P	N	P	P	N

* = Nightclub cannot be located within 120 feet of a Residential District boundary line

** = Personal services, restaurants or cafeterias without drive-through service, a Laundromat, a financial institution, and retail stores may be allowed as accessory uses in a hospital, medical office building, or college or university building provided they do not have their own exterior entrance and are primarily designed to serve students, staff or patients of the institution. See also the I-O Overlay District in Article 1312.

*** = In the OMU District, drive through facilities for a Financial Institution are limited to 2 lanes.

**** = Must front on a minor arterial street and must be within 450' of the property boundary line of a highway interchange.

P = Permitted by right use (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board) N = Not permitted

(S. 1322) = See Additional Requirements in Section 1322

TYPES OF USES (See definitions in Section 1302)	ZONING DISTRICTS											
	CL	CG &CS	CB	LI	IN	PI	CM	I	CMU	IR	IR-R	OMU
b. COMMERCIAL USES (Cont.)												
Propane Retail Distributor, other than pre-packaged sales, with a 150 feet minimum setback required between any storage or dispensing facilities and any residential district, and with Fire Department review.	N	N	N	SE	P	N	N	N	N	N	N	N
Recording Studio, Music	P	P	P	P	P	P	P	P	N	P	P	P
Recreation, Commercial Indoor (S. 1322) (includes bowling alley, roller or ice skating rink, batting practice, and closely similar uses); other than uses listed separately in this Article	N	P	N	N	P	N	N	P	N	P	P	N
Recreation, Commercial Outdoor (including miniature golf course, golf driving range, archery, horseback riding, paintball and closely similar uses); other than uses listed separately in this Section 1305	N	P	N	P	P	P	N	P	N	P*	P*	N
Repair Service, Household Appliance	P	P	P	N	P	N	N	N	N	P*	P*	N
Restaurant or Banquet Hall (S. 1322), other than a Nightclub												
- with drive-through service (S. 1322)	N	P	N	N	N	N	N	N	N	SE	N	N
- without drive-through service	P***	P	P	N	N	N	N**	N**	P	P	P	P
Restaurant, Fast - Casual												
- with a drive-through (S. 1322)	P	P	P	N	N	N	N	N	N	P	P	P*****
- without a drive-through	P***	P	P	N	N	N	N**	N**	P	P	P	P
Restaurant, Fast Food												
- with drive-through service (S. 1322)	N	P	N	N	N	N	N	N	N	SE	N	N
- without drive-through service	P***	P	P	N	N	N	N**	N**	P	P	P	P
Retail Store (not including uses listed individually in this Section 1305). Any drive-through facilities shall meet Section 1322.03. The only drive-through retail facilities in the CB, OMU or CL district shall be for a pharmacy.	P***	P	P	N	P	N	N**	N**	N	P	P	P*****
Self-Storage Development (S. 1322)	N	P	N	P	P	N	N	N	N	N	N	N
Shopping Center (S. 1322)	P***	P	P	N	N	N	N	N	N	P	P	P
Target Range, Firearms												
- Completely indoor and enclosed	N	P	N	P	P	N	N	N	N	P*	P*	N
- Other than above (S. 1322)	N	N	N	N	P	N	N	N	N	N	N	N
Tasting Room	P	P	P	N	P	N	N	N	P	P	P	P
Tattoo or Body Piercing Establishment (other than temporary tattoos or ear piercing, which are personal service uses)	P	P	P	N	N	N	N	N	N	P	P	N
Tavern, other than a Nightclub (S. 1322)****	SE	P	P	N	P	N	N	N	N	P	P	P
Television or Radio Broadcasting Studios	P	P	P	P	P	P	P	P	N	P	P	P

- * = This use is not allowed on a lot that is adjacent to an arterial street (such as Route 412).
- ** = Personal services, restaurants without drive-through service, a laundromat, a financial institution, and retail stores may be allowed as accessory uses in a hospital, medical office building, or college or university building provided they do not have their own exterior entrance and are primarily designed to serve students, staff or patients of the institution.
- *** = Each business establishment shall have a maximum floor area of 10,000 square feet on any one floor of a building. This restriction shall not apply to existing structures at the time of adoption of this Ordinance.
- P = Permitted by right use (zoning decision by Zoning Officer)
- SE = Special exception use (zoning decision by Zoning Hearing Board)
- N = Not permitted
- (S. 1322) = See Additional Requirements in Section 1322
- **** = Tavern cannot be located within 120 feet of Residential District boundary line.
- ***** = **In the OMU District, any drive-through for a Fast-Casual Restaurant or a Pharmacy shall be limited to 1 lane.**

TYPES OF USES (See definitions in Section 1302)	ZONING DISTRICTS											
	CL	CG &CS	CB	LI	IN	PI	CM	I	CMU	IR	IR-R	OMU
b. COMMERCIAL USES (Cont.)												
Theater, Indoor Movie or Live Theater, other than an Adult Establishment	P	P	P	N	P	N	P	P	N	P	P	P
Trade/ Hobby School	P	P	P	P	P	P	N	P	N	P	P	N
Veterinarian Office (S. 1322)	P	P	P	P	P	P	P	N	P	P	P	P
Visitor Center providing education and promotional information	P	P	P	P	P	P	P	P	N	P	P	N
Wholesale Sales - see under Industrial Uses												
c. INSTITUTIONAL / SEMI-PUBLIC USES												
Cemetery (see Crematorium listed separately)	P	P	P	N	N	N	P	P	N	N	N	N
College or University - Educational and Support Buildings (See also under Residential Uses)	P	P	P	N	P	P	P	P	N	P	P	P
Community Recreation Center (limited to a government sponsored or non-profit facility) or Library	P	P	P	P	P	P	P	P	P	P	P	P
Crematorium that is not part of a funeral home	N	N	N	SE	SE	N	N	SE	N	N	N	N
Cultural Center or Museum	P	P	P	N	P	P	P	P	N	P	P	N
Day Care Center, Adult (S. 1322)	P	P	P	N	P	P	P	P	P	P	P	P
Day Care Center, Child (S. 1322) (See also as an accessory use)	P	P	P	N	P	P	P	P	P	P	P	P
Dormitory - See under Residential Uses in this table												
Emergency Services Station or Training Facility	P	P	P	P	P	P	P	P	P	P	P	N
Hospital or Surgery Center or Related Testing and Treatment Facilities	N	P	N	N	N	P	N	P	N	P	P	P
Meal Center (S. 1322)	SE	SE	N	N	N	N	N	SE	N	N	N	N
Membership Club meeting and non-commercial recreational facilities, provided that such use shall not be open between 2 and 6 AM, and provided that such use shall only be allowed in combination with another use if the other use is allowed in that district and if the requirements for that use are also met.	P	P	P	P	P	N	N	N	N	P	P	N
Nursing Home, Personal Care Home or Assisted Living (S. 1322)	N	P	N	N	N	N	N	P	N	N	P	P
Place of Worship (S. 1322) (includes Church)	P	P	P	N	N	N	P	P	P	P	P	P
Prison/ Correctional Facility	N	N	N	N	SE	N	N	N	N	N	N	N
School, Public or Private, Primary or Secondary (S.1322)	P	P	P	N	P	N	P	P	N	P	P	N
Sewage Pump Stations	P	P	P	P	P	P	P	P	N	P	P	N
Temporary Shelter (S. 1325)	SE	SE	SE	N	N	N	N	P	N	N	N	N
Treatment Center (S. 1325)	N	SE	N	SE	SE	N	N	N	N	N	N	N

P = Permitted by right use (zoning decision by Zoning Officer)
 SE = Special exception use (zoning decision by Zoning Hearing Board)
 N = Not permitted
 (S. 1322) = See Additional Requirements in Section 1322

TYPES OF USES (See definitions in Section 1302)	ZONING DISTRICTS											
	CL	CG &CS	CB	LI	IN	PI	CM	I	CMU	IR	IR-R	OMU
d. PUBLIC/SEMI-PUBLIC USES												
City Government Uses and Facilities, such as Public Works Facilities. See also Section 1301.07.	P	P	P	P	P	P	P	P	P	P	P	P
Government Facility, other than offices and other than uses listed separately in this Section	SE	SE	SE	SE	P	SE	SE	SE	SE	SE	SE	P
Prison or Similar Correctional Institution	N	N	N	N	SE	N	N	N	N	N	N	N
Publicly Owned or Operated Park	P	P	P	P	P	P	P	P	P	P	P	P
Public Utility Facility, other than City-owned facilities and other than uses listed separately in this Section. See also Section 1301.06.	SE	SE	SE	SE	P	SE	SE	SE	SE	SE	SE	P
Swimming Pool, Non-household (S. 1322)	P	P	P	P	P	N	P	P	P	P	P	P
U.S. Postal Service Facility, which may include a leased facility.	P	P	P	P	P	P	P	P	P	P	P	P
e. INDUSTRIAL USES												
Asphalt Plant	N	N	N	N	SE	N	N	N	N	N	N	N
Assembly or Finishing of Products Using Materials Produced Elsewhere (such as products from plastics manufactured off-site)	N	N	N	P	P	P	P	N	N	P	N	P
Building Supplies and Building Materials, Wholesale Sales of	N	P	N	P	P	N	N	N	N	P	N	N
Data Centers	N	N	N	P	P	P	N	N	N	N	N	N
Distribution as a principal use (other than Trucking Company Terminal)	N	N	N	P	P	N	N	N	N	SE	N	N
Electric Power Generating Plant (Other than Putrescent Solid Waste to Energy, Solar Energy or Wind Turbines)	N	N	N	SE	P	N	N	N	N	SE	N	N
Industrial Equipment Sales, Rental and Service, other than vehicles primarily intended to be operated on public streets	N	P	N	P	P	P	N	N	N	P	P	N
Junk - outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal area	N	N	N	N	N	N	N	N	N	N	N	N
Junk Yard (S. 1322)	N	N	N	N	SE	N	N	N	N	N	N	N
Liquid or Gas Fuel Storage, Bulk, for off-site distribution, which shall require a 150 feet setback from a residential district and review by the Fire Department of any proposed facilities; other than: auto service station, retail propane distributor as listed separately, pre-packaged sales or fuel tanks for company vehicles	N	N	N	SE	SE	N	N	N	N	N	N	N

P = Permitted by right use (zoning decision by Zoning Officer)
 SE = Special exception use (zoning decision by Zoning Hearing Board)
 N = Not permitted
 (S. 1322) = See Additional Requirements in Section 1322

TYPES OF USES (See definitions in Section 1302)	ZONING DISTRICTS											
	CL	CG &CS	CB	LI	IN	PI	CM	I	CMU	IR	IR-R	OMU

e. <u>INDUSTRIAL USES (Cont.)</u>												
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:												
Agricultural Chemicals, Fertilizers or Pesticides	N	N	N	SE	SE	N	N	N	N	SE	N	N
Apparel, Textiles, Shoes and Apparel Accessories (see also Crafts Studio)	N	N	N	P	P	P	N	N	N	P	N	N
Cement Manufacture	N	N	N	N	P	N	N	N	N	N	N	N
Ceramics Products (other than Crafts Studio)	N	N	N	P	P	P	N	N	N	P	N	N
Chemicals, Manufacture or Bulk Processing of, other than pharmaceuticals and types listed separately	N	N	N	SE	SE	SE	N	N	N	SE	N	N
Clay, Brick, Tile and Refractory Products	N	N	N	P	P	N	N	N	N	SE	N	N
Computers and Electronic and Microelectronic Products	N	N	N	P	P	P	P	N	N	P	N	P
Concrete, Lime and Gypsum Products, other than actual manufacture of cement	N	N	N	SE	P	SE	N	N	N	SE	N	N
Electrical Equipment, Appliances & Components	N	N	N	P	P	P	P	N	N	P	N	P
Explosives, Fireworks or Ammunition	N	N	N	N	SE	N	N	N	N	N	N	N
Fabricated Metal Products (except Explosives, Fireworks or Ammunition) and/or Machine Shops	N	N	N	P	P	P	N	N	N	P	N	N
Food (Human) and Beverage Products, at an industrial scale as opposed to a clearly retail scale	N	N	N	P	P	P	N	N	N	P	P	N
Food Products for animals	N	N	N	P	P	P	N	N	N	P	N	N
Glass & Glass Products (other than Crafts Studio)	N	N	N	P	P	P	N	N	N	P	N	N
Incineration, Reduction, Distillation, Storage or Dumping of Slaughterhouse Refuse, Rancid Fats, Garbage, Dead Animals or Offal (other than within an approved solid waste facility)	N	N	N	N	N	N	N	N	N	N	N	N
Jewelry and Silverware	N	N	N	P	P	P	N	N	N	P	P	N
Leather and Allied Products (other than Crafts Studio or Tannery)	N	N	N	P	P	P	N	N	N	P	P	N
- Machinery or Gaskets	N	N	N	P	P	P	SE	N	N	P	N	N
Manufactured or Modular Housing Manufacture	N	N	N	P	P	P	N	N	N	P	N	N
Medical Equipment and Supplies	N	P	N	P	P	P	P	N	N	P	P	P
Metal Products, Primary	N	N	N	SE	P	SE	N	N	N	N	N	N
Mineral Products, Non-metallic (other than Mineral Extraction)	N	N	N	P	P	P	N	N	N	P	N	N

- P = Permitted by right use (zoning decision by Zoning Officer)
SE = Special exception use (zoning decision by Zoning Hearing Board)
N = Not permitted
(S. 1322) = See Additional Requirements in Section 1322

TYPES OF USES (See definitions in Section 1302)	ZONING DISTRICTS											
	CL	CG &CS	CB	LI	IN	PI	CM	I	CMU	IR	IR-R	OMU

e. <u>INDUSTRIAL USES (Cont.)</u>												
Manufacture and/or bulk processing of the following, Provided manufacturing occurs only indoors:												
Paper and Paper Products (including recycling, but not including manufacture of raw paper pulp)	N	N	N	P	P	P	N	N	N	P	N	N
Paper - Raw Pulp	N	N	N	N	P	N	N	N	N	N	N	N
Paving Materials, other than bulk manufacture of asphalt	N	N	N	P	P	N	N	N	N	N	N	N
Pharmaceuticals and Medicines	N	N	N	P	P	P	P	N	N	P	N	P
Plastics, Polymers, Resins, Vinyl, Coatings, Cleaning Compounds, Soaps, Adhesives, Paints, Printing Ink or Photographic Film	N	N	N	P	P	P	N	N	N	P	N	N
Products from Previously Manufactured Materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber	N	N	N	P	P	N	N	N	N	N	N	N
Roofing Materials and Asphalt Saturated Materials or Natural or Synthetic Rubber	N	N	N	P	P	P	N	N	N	SE	N	N
Scientific, Electronic and Other Precision Instruments	N	N	P	N	P	P	P	P	N	P	P	P
Sporting Goods, Toys, Games, Musical Instruments or Signs	N	P	N	P	P	P	P	P	N	P	P	N
Transportation Equipment	N	N	N	P	P	P	N	N	N	P	N	N
Truck Stop	N	N	N	N	P	N	N	N	N	N	N	N
Wood Products and Furniture (not including raw paper pulp)	N	P	N	P	P	P	N	N	N	P	P	N
See Section 1305.04 for uses that are not listed												
Mineral Extraction (S. 1322) and related processing, stock-piling and storage of materials removed from the site, other than as part of preparation of a development site	N	N	N	SE	SE	N	N	N	N	N	N	N
Packaging	N	P	N	P	P	P	N	N	N	P	P	N
Package Delivery Services Distribution Center	N	N	N	P	P	P	N	N	N	P	N	N
Petroleum Refining or Manufacture of Ethanol or Other alternative fuels	N	N	N	N	SE	N	N	N	N	N	N	N
Printing or Bookbinding	N	P	N	P	P	P	P	N	N	P	P	N
Recycling Center, Bulk Processing, provided all operations of an industrial scale occur within an enclosed building (this use does not include a solid waste disposal or transfer facility)	N	N	N	P	P	N	N	N	N	P	N	N

- P = Permitted by right use (zoning decision by Zoning Officer)
 SE = Special exception use (zoning decision by Zoning Hearing Board)
 N = Not permitted
 (S. 1322) = See Additional Requirements in Section 1322

TYPES OF USES (See definitions in Section 1302)	ZONING DISTRICTS										
	CL	CG &CS	CB	LI	IN	PI	CM	I	CMU	IR	IR-R

e. INDUSTRIAL USES (Cont.)

Research and Development, Engineering or Testing Facility or Laboratory (other than medical laboratories, which is considered an office use) and related manufacture of prototypes	N	N	N	P	P	P	P	N	N	P	P	P
Sawmill/ Planing Mill	N	N	N	P	P	N	N	N	N	P	N	N
Slaughterhouse, Stockyard or Tannery, with a 400 feet minimum setback from all lot lines	N	N	N	N	SE	N	N	N	N	N	N	N
Solid Waste Landfill (S. 1322)	N	N	N	N	SE	N	N	N	N	N	N	N
Solid Waste Transfer Facility or Putrescent Waste to Energy Facility (S. 1322)	N	N	N	N	SE	N	N	N	N	N	N	N
Trucking Company Terminal (S. 1322)	N	N	N	SE	P	N	N	N	N	SE	N	N
Warehousing or Storage as a principal use	N	N	N	P	P	N	N	N	N	SE	N	N
Warehousing or Storage as an on-site accessory use	P	P	P	P	P	P	P	P	N	P	P	N
Welding	N	N	N	P	P	P	P	N	N	P	N	N
Wholesale Sales (other than Motor Vehicles)	N	SE	N	P	P	P	N	N	N	P	P	N

f. ACCESSORY USES

See list of additional permitted uses in Section 1306.03

such as Residential Accessory Structure or Use

See Additional Requirements in Section 1322 for Specific Accessory Uses

Bus Shelter (S. 1322)	P	P	P	P	P	P	P	P	P	P	P	P
Composting (S. 1322), other than leaves, tree bark or materials generated on-site which are permitted by right	N	N	N	P	P	N	N	N	N	N	N	N
Day Care Center accessory to and on the same lot as an existing lawful Place of Worship or permitted use	P	P	P	P	P	P	P	P	P	P	P	P
Day Care (S. 1322) as accessory to an existing dwelling: Day care of a maximum of 3 adults or youth, in addition to relatives of the caregiver, which does not need a permit	P	P	P	N	N	N	P	P	P	P	P	N
Day Care (S. 1322) as accessory to an existing dwelling:												
- Group Day Care Home (S. 1322)	P	P	P	N	N	N	P	P	N	P	P	N
- Family Day Care Home (S. 1322)	P	P	P	N	N	N	P	P	N	P	P	P
Home Occupation, Major or Minor (S. 1322)	P	P	P	P	P	P	P	P	P	P	P	P
Meal Center (S. 1322)	P	P	N	N	N	N	N	P	N	N	N	N
Outdoor retail sales as accessory to a Principal Commercial Use (S. 1322)	P	P	P	N	N	N	N	N	P	P	P	P***
Outdoor Storage and Display as accessory to a business use shall also comply with buffer yard provisions	P**	P	P**	P	P	P	P	N	N	P	P	N

** = A maximum of 25% of lot shall be used for outdoor storage, which shall be screened by buildings and/or landscaping from view of streets.

P = Permitted by right use (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

N = Not permitted

(S. 1322) = See Additional Requirements in Section 1322

*** = **Outdoor Retail Sales shall only be adjacent to the building on the sidewalk, but shall maintain a 5' walking path on said sidewalk.**

TYPES OF USES (See definitions in Section 1302)	ZONING DISTRICTS											
	CL	CG &CS	CB	LI	IN	PI	CM	I	CMU	IR	IR-R	OMU
f. ACCESSORY USES (Cont.)												
Retail Sales as Accessory to a Principal Industrial Use, limited to items produced or distributed on the premises, and limited to a maximum of 5% of the floor area of the principal use	N	N	N	P	P	P	N	N	N	P	P	N
Unit for Care of Relative (S. 1322) on the lot of an existing dwelling	P	P	P	N	N	N	N	N	N	P	N	N
g. MISCELLANEOUS USES												
Crop Farming and Wholesale Greenhouses	N	P	N	P	P	P	P	P	P	P	P	N
Forestry (S. 1322)	P	P	P	P	P	P	P	P	P	P	P	P
Livestock or Poultry, Raising of (S. 1322)*	N	N	N	N	N	N	N	N	N	N	N	N
Nature Preserve/Environmental Education Center	P	P	P	P	P	P	P	P	P	P	P	P
Parking Lot as an accessory use	P	P	P	P	P	P	P	P	P	P	P	P
Parking Lot as a principal use that does not primarily serve tractor-trailer trucks or trailers	N	P	P	P	P	P	P	P	P	P	P	P
Parking Structure of 2 or More Levels that does not primarily serve tractor-trailer trucks or trailers	N	P	P	P	P	P	P	P	N	P	P	P
Parking Lot or Structure that primarily serves tractor-trailer trucks or trailers	N	N	N	P	P	N	N	N	N	SE	SE	N
Parking Lot for Carpooling	N	P	N	P	P	P	P	P	P	P	P	N
Recycling Collection Center	N	P	N	P	P	P	P	P	N	P	P	N
Sewage Treatment Plant	N	N	N	N	P	N	N	N	N	N	N	N
Solar Energy Collection Systems	P	P	P	P	P	P	P	P	P	P	P	N
Wind turbines:												
Maximum of one on a lot that is an accessory use and is designed primarily for on-site electricity use (S. 1322)	P	P	P	P	P	P	P	P	P	P	P	P
One or more wind turbines, other than above (S. 1322)	N	N	N	SE	P	SE	SE	SE	N	SE	SE	N
All Uses that will be unable to comply with the performance standards of this ordinance. See the Environmental Protection requirements of Article 5	N	N	N	N	N	N	N	N	N	N	N	N

- * = See City Ordinance article 1159
P = Permitted by right use (zoning decision by Zoning Officer)
SE = Special exception use (zoning decision by Zoning Hearing Board)
N = Not permitted
(S. 1322) = See Additional Requirements in Section 1322

SECTION 6: That current Article 1306.01 titled DIMENSIONAL REQUIREMENTS IN EACH DISTRICT, in the Zoning Ordinance, as amended, shall be amended as follows:

Delete "For the CM-LTN Landmark Conservation and Traditional Neighborhood Overlay District, see Section 1314" and replace with:

"For the OMU District, see Section 1314."

SECTION 7: That the table in Section 1306.01(a) titled DIMENSIONAL REGULATIONS FOR RESIDENTIAL DISTRICTS, in the Zoning Ordinance, as amended, shall be amended to include the OMU District as follows:

Zoning District: Type of Use	Min. Lot Area (sq. ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D). See also Section 1306.07.	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage (Note F)	Maximum Percent Impervious Coverage (Note F)	Maximum Height See also Section 1306.02
<p>1. CB Central Business District:</p> <p>a) Non-Residential Uses</p> <p>b) Mixed Use Standards – See Note I</p> <p>See additional standards in Article 1311.</p>	<p>a) 0</p> <p>b) 1,800</p>	<p>a) 0</p> <p>b) 18</p>	<p>All uses: 0 No new vehicle parking spaces shall be located between the front lot line of a public street and the front of a principal building. Also see Section 1311 Design Standards.</p>	<p>All uses: 0 (Note B)</p> <p>b) (Note I)</p>	<p>All uses: 0 (Note B)</p> <p>b) (Note I)</p>	<p>All uses: 100%</p> <p>b) (Note I)</p>	<p>All uses: 100%</p>	<p>All uses: 150 feet (Note J)</p>
<p>2. CL Limited Commercial District:</p> <p>a) Allowed Residential Uses - The requirements of the RT District (multi-family provisions) shall apply in the CL District.</p> <p>b) Other Allowed Uses</p> <p>See additional standards in Article 1311.</p>	<p>-----</p> <p>b) 2,000</p>	<p>-----</p> <p>b) 20</p>	<p>All uses: 0 No new vehicle parking spaces shall be located between the front lot line along a public street and the front of a principal building. Also see Section 1311.</p>	<p>-----</p> <p>b) 10 (Note B)</p>	<p>-----</p> <p>b) 4 (Note B)</p>	<p>All uses: 80%</p>	<p>All uses: 90%</p>	<p>All uses: 5 stories or 60 feet, whichever is more restrictive. See Section 1306.02(d and e).</p>

Zoning District: Type of Use	Min. Lot Area (sq. ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D). See also Section 1306.07.	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage (Note F)	Maximum Percent Impervious Coverage (Note F)	Maximum Height See also Section 1306.02
<p>3. CG General Commercial District:</p> <p>a) Allowed Residential Uses - The requirements of the RT District (multi-family provisions) shall apply in the CG District.</p> <p>b) Other Allowed Uses</p>	<p>-----</p> <p>2,000</p>	<p>-----</p> <p>20</p>	<p>-----</p> <p>b) 0, except 35 if any new vehicle parking is provided between the front lot line of a public street and the front of a principal building</p>	<p>-----</p> <p>10 (Note b)</p>	<p>-----</p> <p>10 (Note b)</p>	<p>-----</p> <p>65%</p>	<p>-----</p> <p>90%</p>	<p>-----</p> <p>b) 60 feet. See Section 1306.02(c).</p>
<p>4. CS Shopping Center District: Allowed Use A minimum average of 2,000 square feet of lot area shall be required per dwelling unit.</p> <p>5. CM Office Research District: Allowed Use</p>	<p>2 acres (Note C)</p> <p>2 acres (Note C)</p>	<p>300 (Note C)</p> <p>300 (Note C)</p>	<p>40</p> <p>40</p>	<p>25</p> <p>40</p>	<p>25</p> <p>40</p>	<p>40%</p> <p>40%</p>	<p>90%</p> <p>80%</p>	<p>80 feet. See Section 1306.02(c).</p> <p>50 feet</p>

Zoning District: Type of Use	Min. Lot Area (sq. ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D). See also Section 1306.07.	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage (Note F)	Maximum Percent Impervious Coverage (Note F)	Maximum Height See also Section 1306.02
6. PI Planned Industrial District: Allowed Use	1 acre	140	40. No new vehicle parking spaces shall be located within 25 feet from the curblin of a public street.	30	20	60%	80%	60 feet or 5 stories, whichever is more restrictive.
7. LI Light Industrial District: Allowed Use	10,000	80	20	15 (Note A)	15 (Note A)	65%	90%	80 feet. See Section 1306.02(c).
8. IN Industrial District:	1 acre	150	20	15 (Note A)	15 (Note A)	65%	90%	80 feet. See Section 1306.02(c).
9. I Institutional District: Allowed Use	2 acre minimum tract size. 2,000 minimum lot size.	20	20	15 (Note B)	10 (Note B)	65% (Note G)	80% (Note G)	See Section 1306.02(c)(f).

Zoning District: Type of Use	Min. Lot Area (sq. ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D). See also Section 1306.07.	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage (Note F)	Maximum Percent Impervious Coverage (Note F)	Maximum Height See also Section 1306.02
<p>10. IR Industrial Redevelopment and IR-R Industrial Redevelopment - Residential.</p> <p>a) Principal Industrial Use b) Other Allowed Use</p> <p>No new vehicle parking areas shall be located within the first 15 feet from the curblines of a public street. No truck loading or unloading areas shall be located within the first 30 feet from the curblines of a public street.</p> <p>See also Article 1307 for workforce housing incentives and Section 1306.10.</p>	<p>a) 20,000 b) 2,000</p>	<p>a) 60 b) 30, except 20 if attached buildings are approved within a subdivision or land development plan</p>	<p>a) 10 b) 10</p>	<p>a) 20 (Note A) b) 10 (Note A)</p>	<p>a) 20 (Note A) b) 10 (Note A), except 0 if attached buildings are approved within a subdivision or land development plan</p>	<p>a) 90% b) 90%</p>	<p>a) 90% b) 90%</p>	<p>200 feet. See Section 1306.02(d).</p>
11. CMU District: See Article 1313.								

Zoning District: Type of Use	Min. Lot Area (sq. ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D). See also Section 1306.07.	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage (Note F)	Maximum Percent Impervious Coverage (Note F)	Maximum Height See also Section 1306.02
12. OMU District: See Article 1314.								

SECTION 8: That Article 1311 – DESIGN STANDARDS IN THE CL, CB AND RT DISTRICTS be amended to read as follows:

ARTICLE 1311 – DESIGN STANDARDS IN THE CL, CB, RT AND OMU DISTRICTS.

1311.01 Purposes.

- (a) Encourage appropriate redevelopment and reuse of underutilized sites.
- (b) Promote a mix of appropriate light business and residential uses in the same building.
- (c) Expand use of the public transit system and pedestrian and bicycle circulation.
- (d) Create opportunities to live, shop and work in the same area.
- (e) Improve the appearance of the City’s commercial corridors.
- (f) Attract new customers and new sources of employment and tax revenue.
- (g) **Encourage principals of Smart Growth to promote compact mixed-use development.**

1311.02 Applicability.

- (a) Where a provision of this Section directly regulates the same matter as another section of this Ordinance or another City Ordinance, the more restrictive requirement shall apply.
- (b) Provisions using the word “shall” are mandatory. Provisions using the word “should” are strongly recommended, and may be the basis of a condition upon a special exception or variance approval.
- (c) Provisions of Section 1311.05 and 1311.06 shall not apply to the RT District.

1311.03 Modifications. Upon receipt of a written request, the Planning and Zoning Bureau and City Planning Commission shall consider modifications to the standards of this Article 1311 based on the existing site conditions, the proposed use, hardships, or innovations in technology in accordance with the terms of Article 1325.06(b) of this Ordinance.

1311.04 Building and Site Layouts and Setbacks.

- (a) See Section 1306.05, Build-To Line for Front Building Setback, which establishes required front setbacks along certain streets to maintain consistency with existing buildings on that block.
- (b) Surface off-street parking and any garage doors shall be located to the rear or side of principal buildings, as opposed to being newly placed between the front lot line along a street and the front wall of a new principal building. **In the OMU District, garage doors shall be located to the rear or side of principal**

non-residential and mixed-use buildings. This provision shall not limit rearrangement of spaces within existing parking areas. If such lot is adjacent to two or more streets, this restriction shall only apply to the one street that is the most heavily traveled by vehicles.

- (c) See City sidewalks requirements and City street tree requirements in separate ordinances. An average of at least one street tree shall be planted for each 30 feet of street length, unless existing trees will be preserved to serve the same purpose. The spacing of such trees may vary to provide for driveways, sight distance and other features, provided the average separation of trees is met.
- (d) For a use involving a new principal commercial building, a site plan shall be submitted to the City showing locations for garbage storage, truck loading areas and parking areas, if applicable. Such locations shall be subject to approval by the City to minimize conflicts with sidewalks and dwellings.

1311.05 Design Requirements.

- (a) A new principal non-residential, multi-family, or mixed use building shall not have a front facade comprised of more than **33** percent vinyl or aluminum siding.
- (b) New parking lot lights installed by a developer shall have a maximum total height of 20 feet and use a decorative design approved by the City. Light fixtures on private property are encouraged to use designs that are similar to any decorative fixtures used on the adjacent street.
- (c) A new principal building **of over 150 feet** in length along a street shall include variations in rooflines, overhangs, architectural details, setbacks, colors or facade materials or use canopies, porches and awnings.
- (d) A ~~long~~ new principal building of over 150 feet should have the appearance of smaller connected buildings. **Article 1311.05.d does not apply to the OMU District.**
- (e) Blank walls without at least one door and one window shall not face an arterial street. Retail stores shall have display windows facing onto a street. Such display windows do not necessarily have to be open to the inside of the store, if there are security issues. The windows should have sufficient visibility from the street for security purposes and be inviting to customers. **In the OMU District, landscape screening and decorative plantings or architectural elements of such walls may replace the requirement of the placement of windows and doors. Such landscaping shall be approved by the City Forester.**
- (f) Tractor-trailer truck loading docks and service areas shall not be visible from any street frontage. **In the OMU District, tractor-trailer truck loading docks and service areas shall be well screened from any street frontage by landscaping or ornamental fencing of at least 4' in height when planted, and be of such species and spacing that can be expected to produce, within 3 years, a complete visual screen of at least 6' in height.**

- (g) Chain-link exposed metal fencing shall not be placed along any street frontage. Picket or ornamental fences are encouraged. Highway-style metal guide rails shall not be used if visible from a street or public right-of-way.
- (h) The applicant for a new principal building, except for single family detached or semi-detached dwellings, shall submit a set of preliminary architectural sketch or elevation plans of the front facade and a description of proposed front facade materials to the City. Such materials may be offered to the City Planning Commission or other boards for review and comment, as appropriate.
- (i) New construction should have rooflines that are similar to adjacent older buildings. Flat roofs should be avoided, except when a decorative cornice or parapet is used. Where a pitched roof is not practical, then the roof should at least appear to have angles and a pitch when viewed from the street.

1311.06 Sidewalks and Pedestrian Access.

- (a) **New or replaced** sidewalks in front of an arterial street should include use of decorative brick, concrete pavers, patterned concrete or similar material that has the appearance of decorative masonry. Such materials may be used as accents, with the majority of the sidewalk being regular concrete. See guidelines from Public Works Department.
- (b) Pedestrian crosswalks should be provided along arterial street corridors using materials and colors that visually distinguish the crosswalk from the street surface and that include some texture. The use of pavers, patterned concrete or stamped textured asphalt is encouraged.
- (c) Pedestrian traffic should be separated from major vehicle routes. Developments should be designed in such a way as to be inviting for pedestrian traffic and to provide convenient walking routes from public transit stops.
- (d) See bike racks provisions in Article 1319 – Parking, 1319.02(n).
- (e) Commercial buildings shall have their main pedestrian entrance facing a street or a pedestrian walkway/plaza.
- (f) City-approved tree grates or similar measures may be used in sidewalk areas, with attention to providing sufficient planting area to sustain the root area of large size shade trees. The City may approve outdoor seating that intrudes into the sidewalk, provided a 5 foot continuous pedestrian and wheelchair accessible pathway is provided within the sidewalk width. See Article 721, Streets and Sidewalks
- (g) Any encroachment into the public right-of-way requires an Encroachment Permit from the City Department of Public Works.

1311.07 Signs

- (a) Various signs on a property should be coordinated. Internally illuminated signs of box-type construction should be avoided. Signs should not cover architectural details. Awnings that extend at a straight angle from a building are encouraged to provide continuity along a block front and weather protection. The front panel of an awning may be used for a sign provided the sign image is

integrated with the awning and the awning has the appearance of a fabric-type material. Any encroachment into the public right-of-way requires an Encroachment Permit from the City Department of Public Works.

1311.08 Parking and Driveways.

- (a) No new off-street parking spaces shall be placed between a principal building and the curblineline of an arterial street along the front of the lot. Existing parking spaces may be re-arranged, provided they do not result in an increase in off-street parking spaces in such location. **In the OMU District, parking spaces placed between a principal commercial building and the curblineline of an arterial street along the front of the lot shall be limited to one (1) driving aisle and one (1) row of parking spaces.**
- (b) No new vehicle driveway shall enter or exit onto an arterial street, unless the applicant proves that no feasible alternative exists, such as use of alleys or a side street.
- (c) Parking areas shall be well-screened from the street by landscaping. See Section 1318.23.
- (d) See Section 1319.02(b) which allows some flexibility in parking requirements. Shared parking among property owners and businesses is encouraged where adequate parking spaces exist for shared usage. See Section 1319.02(g) regarding landscaping between parking lots and streets.
- (e) Parking areas should be well-screened from arterial and collector streets by landscaping **of at least** ~~a decorative masonry wall or ornamental fencing not exceeding~~ 4 feet in height. Any wall or fence shall be on the inside of a row of shrubs or trees unless otherwise approved by the City. Where rear parking is not possible, then parking shall be provided to the side of a building. Where a driveway needs to enter from the front to access a garage, the garage shall be setback further from the street than the house, and the driveway should be as narrow as practical through the front yard. **Article 1311.08(e) does not apply to the OMU District.**

1311.09 Alleys and Side Access.

- (a) When a new principal building is proposed, if a rear or side alley exists adjacent to the lot or an existing alley can feasibly be extended, it shall be used as access for any new vehicle garage, driveway or parking spaces, except a corner lot may have a garage, driveway or parking accessing a street that is not along the front lot line. This subsection shall not apply if an alternative point of vehicle access is specifically required by the Pennsylvania Department of Transportation or the City Planning Commission.

1311.10 Additional Requirements.

- (a) Architectural designs shall be used to minimize the visual impact of **non-residential** garage doors when they front upon a street, when such locations are allowed.
- (b) If approved by the City, the applicant shall have the option of offering a building as a "Live Work Unit" in the CL, CB and IR-R districts under Section 1322.03(z).
- (c) No outdoor bulk storage shall be permitted in the front yard and shall only be permitted in the side or rear yard if it is screened from view of streets by landscaping and/or buildings.
- (d) Individual buildings and pedestrian entrances and parking areas shall be laid out to promote pedestrian access among different uses.
- (e) Every effort should be made to preserve and reuse older buildings and to rehabilitate historic features. Modern additions and features should be placed towards the rear of the property. **Article 1311.10.e does not apply to the OMU District.**
- (f) Where existing adjacent older buildings have a certain horizontal or vertical pattern, that orientation or pattern should be continued in new construction. Where existing older buildings have a certain spacing of windows and doors, similar spacing (and similar sizes of windows and doors) should be continued. **Article 1311.10.f does not apply to the OMU District.**
- (g) Overly modernistic or bland buildings devoid of details should be avoided when adjacent buildings have architectural details.
- (h) Uninterrupted continuity of pedestrian-related uses are encouraged along arterial and collector streets, particularly in areas of present activity. Outward street orientation with storefronts, entrances and windows relating to the street, rather than an inward focus away from the street, shall be emphasized in new buildings. Street-oriented parking lots and non-pedestrian-related uses are not permitted in front yards along arterial and collector streets.
- (i) Existing older porches should be maintained and new porches should be considered on the front of new buildings.
- (j) Commercial HVAC systems shall be screened from view from the front of a lot using walls, fencing, roof elements or landscaping. Noise or odor producing ventilation equipment should be placed as far away from dwellings as is feasible.
- (k) New exterior fire escapes should not be constructed on the front facade of a building, if an alternative location exists.
- (l) Solid or mostly solid security gates or roll-down metal window covers shall not be permitted. Security doors or window covers that are mostly transparent may be used, and should be installed from the inside, within the window or door frames, or on the outside with a coilbox that is concealed by architectural features or an awning.

- (m) Buildings should be constructed to a height compatible with existing surrounding buildings. One story buildings shall be avoided on blocks where existing structures are 2 stories or higher. Where an applicant finds that a 2 story building is not possible, they are required to construct a building that has the appearance of a 2 story building when viewed from the street (such as using decorative dormers). Such alternative shall be reviewed and approved by the Planning Bureau if the building is not located in an existing local ordinance historic district.

SECTION 9: That Article 1314 of the Zoning Ordinance be removed and replaced in its entirety as follows:

**ARTICLE 1314
ADDITIONAL REQUIREMENTS FOR THE OMU DISTRICT**

1314.01 Purposes.

- (a) In addition to serving the purposes of the City Comprehensive Plan and the overall purposes of this Ordinance, this District is intended to promote redevelopment of areas of the City that are currently underutilized and are only partially developed. This District also recognizes that this area of Bethlehem is unique in terms of its size (over 50 acres) and its proximity to ramps of a limited access expressway (PA. Route 378). This District is also intended to provide transitional zoning provisions adjacent to a County Park and recognized historical site, the Burnside Plantation. This District also is intended to encourage ground-floor retail and service uses to create connectivity between the residential and commercial buildings on the overall tract.

1314.02 Area, Yard and Building Regulations.

- (a) The following Area, Yard and Building Regulations shall apply for all residential uses; however, these regulations in subsection (a) shall not apply to a change of use of a building that existed on the tract prior to the enactment of this District:

- | | |
|---|--|
| (1) Maximum Density | 21 Dwelling Units/Acre* |
| (2) Minimum Lot Area Per Phase | 1.0 Acres**** |
| (3) Minimum Lot Width Per Phase | 100 Feet **** |
| (4) Minimum Building Setback
from the Perimeter of the
Tract and from Rights-of-Way
of Existing Public Streets | 25 Feet except along Schoenersville
Road and Eaton Avenue where
the minimum building setback
shall be 40 feet |
| (5) Minimum Interior Front
Yard Setback | 5 Feet** |
| (6) Minimum Interior
Rear Yard Setback | 20 Feet** |

- (7) **Minimum Interior Side Yard Setback** 5 Feet (Each)** , except that a 35 feet minimum separation from any other building shall be required for a building that includes 4 or more stories.
- (8) **Maximum Building Height** 4 habitable stories. ** In addition, a building may have a maximum of one above-ground parking level.
- (9) **Maximum Building Coverage** 60%***
- (10) **Buffer Yard Required** No
- (11) **Site Plan Review by City Planning Commission** Yes

* The Maximum Density applicable to all residential uses shall be based upon the gross acreage of the District, without any deletions other than for rights-of-way of existing or proposed public streets, however, specifically excluding proposed public streets that shall be controlled and/or maintained by a Homeowners' Association.

** A building may exceed 4 habitable stories if the following additional setback requirement is met from any District boundary other than Eighth Avenue: for each foot of building height over 50 feet, two additional feet of building setback shall be required. However, in no case shall a new building exceed a total height of more than 120 feet or 12 stories, whichever is more restrictive. An unenclosed front or side porch or stoop or steps or handicapped ramp or roof overhang or bay window may intrude up to 5 feet into the minimum front or side yards. An unenclosed deck may extend up to 10 feet into the rear yard. A detached rear garage shall be setback a minimum of 5 feet from the travel lanes of a rear alley.

*** The maximum Building Coverage shall be based upon the ground level footprint of all buildings in the District divided by the total area of the District. Individual lots may have a higher building coverage, provided that the maximum is not exceeded for the District.

**** Individual dwelling units may be owned in a condominium arrangement, without each condominium unit needing to meet the minimum yard requirements.

(b) The following Area, Yard and Building Regulations shall apply for all non-residential uses, however, these regulations in subsection (b) shall not apply to a change of use of a building that existed in the District prior to the enactment of this Overlay District:

- (1) **Minimum Lot Size** 0.5 Acres ***
- (2) **Minimum Lot Width** 30 Feet ***

- | | |
|--|---|
| (3) Minimum Building Setback from the Perimeter of the Tract and from Rights-of-Way of Existing Public Streets | 25 Feet except along Schoenersville Road and Eaton Avenue where the minimum building setback shall be 40 feet |
| (4) Front Yard Setback | 5 Feet*** |
| (5) Minimum Rear Yard Setback | 30 Feet*** |
| (6) Minimum Side Yard Setback | 10 Feet (Each)***, except that a 35 feet minimum separation from any other building shall be required for a building that includes 4 or more stories. |
| (7) Maximum Building Height | 4 habitable stories. ** In addition, a building may have a maximum of one above-ground parking level. |
| (8) Maximum Building Coverage | 60%* |
| (9) Buffer Yard Required | No |
| (10) Site Plan Review by City | Yes |

* The maximum Building Coverage shall be based upon the ground level footprint of all buildings in the District divided by the total area of the District. Individual lots may have a higher building coverage, provided that the maximum is not exceeded for the District.

** A building may exceed 4 habitable stories if the following additional setback requirement is met from any District boundary line other than Eighth Avenue: for each foot of building height over 50 feet, two additional feet of building setback shall be required. However, in no case shall a new building exceed a total height of more than 120 feet or 12 stories, whichever is more restrictive.

*** Individual uses or buildings may be owned in a condominium arrangement, without each condominium unit needing to meet the minimum yard requirements. An unenclosed front or side porch, roof overhang or stoop, steps or handicapped ramp, awning, bay window, or pedestrian arcade may intrude up to 5 feet into the minimum front or side yards.

- (c) A maximum 300,000 square feet of new building footprint is permitted to be of one (1) habitable story design.
- (d) A minimum of 10 percent of the total area of the District shall be set aside in open land that is available for active or passive outdoor recreational use by the residents of the District or by invitees of such residents. Such open land shall be maintained in existing trees or planted with new trees and shrubs or improved for outdoor recreation facilities. This open space provision may

include steep slope areas and/or other natural areas and may include a recreational trail as described below.

At least one recreation trail available for both public and private use shall be provided to connect dwellings to two points along the perimeter of the tract. Such open land shall be regulated by a Conservation Easement or Deed Restriction established by the applicant and enforceable by the City of Bethlehem, which prohibits the construction of buildings upon and the further subdivision of the required open land. Areas used for buildings or vehicle parking shall not count towards the open land requirement.

- (1) Unless another form of ownership is approved by the City of Bethlehem as part of a final subdivision and land development plan, such open land shall be owned and maintained by a legally binding association of property-owners on the tract. The form of the property-owners' legal documents shall be subject to acceptance by the City Solicitor. If there is mutual written agreement between the applicant and the City Council, part or all of the open land may be maintained as a public park.
- (e) A minimum 100 feet setback shall apply between any new principal building and the lot line of any public park that existed prior to the adoption of the OMU District, unless a larger setback is required by another section of this Ordinance. This 100 feet setback shall be reduced to a minimum of 75 feet if the building has a maximum of 4 habitable stories and if the building is separated by the public park by a row of primarily evergreen trees with an initial height of 5 feet, in addition to preservation of existing healthy mature trees within such setback.

1314.03 Overall Master Plan, Phasing and Deed Restrictions.

- (a) Prior to the development of any new building under the District's provisions, the applicant shall submit an Overall Master Plan for the District. The Overall Master Plan shall show the approximate locations, heights and uses of all buildings, as well as the approximate locations of proposed parking, streets, and open land. The Master Plan may include a range of allowed uses, as opposed to identifying each specific use; however the Overall Master Plan shall show proposed uses in enough detail to verify that the ultimate build out of the site will include mixed use development. Therefore, at each phase of development the Overall Master Plan shall show uses in the following mix or proportion in the overall District:

	Minimum % bldg. floor area	Maximum % bldg. floor area
a. Office, Institutional, Light Industrial and related uses	5%	70%
b. Retail, Restaurant, Entertainment and related uses	5%	65%
c. Residential uses	5%	85%

The Overall Master Plan shall be made available for review for a minimum of 30 days by the City Planning Commission, Planning and Zoning Bureau and the City Engineer. All phases proposed for development shall be developed in accordance with the Overall Master Plan that has been approved by the Planning Commission. If a proposed subdivision or phase of development is not consistent with the Overall Master Plan, the Overall Master Plan shall be revised provided that it still complies with the applicable sections of Article 1311 and 1314 and is approved by the Planning Commission. The Overall Master Plan shall be designed to reflect the overall provisions of the Purpose section of Article 1311, Design Standards.

- (c) Design standards outlined in Article 1311 shall apply to all properties located in the District.

1314.04 Off-Street Parking and Loading Regulations.

- (a) Article 1319 shall apply, except as follows:
 - (1) On-street parking spaces along new streets for non-residential uses may be used to meet up to 25 percent of the required off-street parking requirements for uses that are within 300 feet of such parking spaces. Off-street parking spaces are not required to be on the same lot as the use that is served by the parking provided that: a) the parking is located within 300 feet of the use that is served by the parking, and b) the applicant proves to the satisfaction of the Planning and Zoning Bureau that there will be sufficient legal mechanisms in place to ensure that the parking will continue to be available as long as the use is in existence.
 - (2) No portion of the front facade of any non-residential building shall be composed of vehicle garage door(s). For residential buildings, no more than 60% of the first floor front facade of any building shall be composed of vehicle garage doors.
 - (3) To ensure the availability of visitor parking for residential uses in the development, an additional (1) one parking space shall be created for every two (2) dwelling units (excluding multi-family dwellings) and such spaces shall be available within 400 feet of the units they are intended to serve. These spaces may be on-street or clustered parking spaces within the development.

SECTION 10: All Ordinances and parts of Ordinances inconsistent herewith be, and the same are hereby repealed.

Sponsored by _____

PASSED finally in Council on the ___ day of _____, 2015.

President of Council

ATTEST:

City Clerk

This Ordinance approved this _____ day of _____, 2015.

Mayor

OMU District



Thu Jul 2 2015 12:06:10 PM.